

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

GARY T. WINNETT, et al., )  
                                )  
Plaintiffs,                 )  
                                )  
v.                             )      Case No. 3:06-0235  
                                )      Judge Trauger  
CATERPILLAR INC.,         )  
                                )  
Defendant,                 )

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JUDITH K. KERNS, et al., )  
                                )  
Plaintiffs,                 )  
                                )  
v.                             )      Case No. 3:06-1113  
                                )      Judge Trauger  
CATERPILLAR INC.,         )  
                                )  
Defendant.                 )

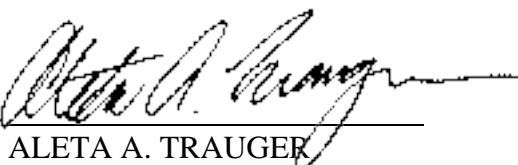
**ORDER**

For the reasons expressed in the accompanying Memorandum, the defendant's Motion to Reconsider in *Winnett* (Docket No. 475) is **GRANTED**, and the plaintiffs' claims in that case are now all **DISMISSED** and the injunction issued on October 16, 2008 is hereby **DISSOLVED**. The defendant's Motion to Reconsider in *Kerns* (Docket No. 266) is **DENIED**, and the court's liability findings in that case are unchanged.

It is further **ORDERED** that a telephone conference will be held with counsel on January 31, 2011 at 2:30 CST to discuss how to proceed as to the remaining issues in these cases.

It is so ordered.

Enter this 12th day of January 2011.



Aleta A. Trauger  
United States District Judge